

**REMARKS**

Applicant thanks the Examiner for total consideration given the present application. Claims 1 and 5-10 were pending prior to the Office Action. Claims 9-10 have been canceled and 11-12 have been added through this Reply. Therefore, claims 1, 5-8, and 11-12 are currently pending. Claims 1, 11, and 12 are independent. Claims 1 and 5 have been amended through this Reply. Upon careful review one would conclude that no new matter has been added to the application via this amendment. Applicant respectfully requests reconsideration of the rejected claims in light of the amendment and remarks presented herein, and earnestly seek timely allowance of all pending claims.

**Specification**

The Examiner alleges that the specification contains informalities identified in the amended sheets of the corresponding PCT Application No. PCT/JP2005/004452. The Examiner, however, does not suggest the specific portion of the informalities. Without such suggestion, it would be difficult to address this objection. Thus, the Examiner is respectfully requested to identify and suggest specific portion of the informalities if this objection is maintained.

The Examiner further alleges that the specification fails to provide proper antecedent basis for the phrase, "a computer readable medium" as recited in line 1 of now cancelled claim 10. Applicant respectfully disagrees. Paragraph [0019] of the instant specification clearly discloses that an appropriate program can be made as software for the data processing apparatus according to an application purpose. Thus, it is clear that the specification provides support for a computer readable medium since such a medium is required for the software. Although Applicant does not necessarily agree with the examiner objection, claim 10 has been cancelled and new claim 12 has been added through this Reply to address this issue. Accordingly, it is respectfully requested to withdraw this objection.

Claim Objection

Claim 1 stands objected to for minor informalities. This claim has been amended through this Reply to address this issue. Accordingly, it is respectfully requested to withdraw this objection.

Rejection Under § 112, First Paragraph and Second Paragraph

A. Claims 1 and 5-10 stand rejected under 35 U.S.C. § 112, 1st paragraph, for allegedly not meeting the written description requirement. More specifically, the Examiner asserts that the specification does not provide any support for the claimed feature of “determining an order of the plurality of stored data in accordance with the importance and identifier”. (See page 4, item 8-1. of the Office Action.)

Although Applicant does not necessarily agree with the Examiner that the specification does not provide support for the above identified claim feature, claim 1 has been amended, claims 9 and 10 have been cancelled and claims 11 and 12 have been added through this Reply in order to expedite prosecution. More specifically, amended claim 1, now recites, *inter alia*,

*“an important component selection unit having a plurality of registers for storing a priority list, each register storing a set of an identifier indicating one of the data stored in the data storage unit and the importance value of the indicated data;*

*wherein the important component selection unit outputs one of the identifiers whose corresponding importance value is the highest in the importance values stored in the registers . . .”*

New claims 11 and 12 also recite similar features.

Accordingly, the Applicant respectfully submits that withdrawal of the rejection of claim 1 under 35 U.S.C. §112, first paragraph, is required.

B. The Examiner also alleges that claim 1 is indefinite. Although Applicant does not necessarily agree with the Examiner that claim 1 is indefinite, claim 1 has been amended through this Reply in order to expedite prosecution. Accordingly, Applicant respectfully submits that withdrawal of the rejection of claim 1 under 35 U.S.C. §112, second paragraph, is required.

Claim Rejection - 35 U.S.C. § 101

Claims 1 and 5-10 stand rejected under 35 U.S.C. § 101 as allegedly being directed to non-statutory subject matter. Claims 9 and 10 have been cancelled through this Reply rendering the rejection as moot. More specifically, the Examiner alleges that the claimed subject matter lacks a practical application of a judicial exception (abstract idea) since it allegedly fails to produce a useful, concrete, and tangible result. Applicant respectfully disagrees.

Applicant points out that MPEP § 2107 sets forth guidelines for the examination of patent applications under the "Utility Requirement". Under MPEP 2107, an invention is "useful" when the utility is specific, substantial, and a credible. A utility is specific, if it is particular to the subject matter claimed. A substantial utility is found if one skilled in the art can use the claimed invention in a manner which provides some immediate benefit to the public. A credible utility is found if a person of ordinary skill in the art would accept that the recited or disclosed invention is currently available for such use. See MPEP 2107.

Applicants respectfully submit that the claimed invention satisfies the three-pronged test of "utility requirement" mentioned above. The claimed invention is directed to a specific subject matter which includes a data processing apparatus, a computer readable program and a method for determining a priority list in accordance with a magnitude of importance based on a computed importance value. Such method clearly provides a substantial utility since it provides a "real world" use by providing a practical application such as providing a method and apparatus for performing high-speed digital computer simulation efficiently and at little cost, particularly, high-speed simulation that is targeted to a physical model, signal propagation on a network, prediction of the three-dimensional polymer structure, and the like. (See page 1 paragraph [0001] of the specification.) This utility is also credible since a person of ordinary skill in the art would accept that the recited or disclosed invention is currently available for such use. (See page 2, paragraphs [0003] and [0004] of the specification.) For example, in actual physical phenomenon or social phenomenon, there may be a case in which only a part of components changes at a given time and there is almost no change in other majority of the components. In addition, there are cases where lawyers inside and outside of system is basically large, or where

external conditions are various and different as they should be handled statistically and stochastically, and in such cases it may be nonsense to perform precise calculation more than necessary on numerical value data that originally has low accuracy. As disclosed in the specification, the conventional-art as described above, includes calculation process with a lot of repetitions of such wasted calculation that does not have much influence on final results. The claimed invention is made to omit such wasted calculation and perform simulation calculation efficiently and at low cost. (See paragraph [0005] of the specification.) Accordingly, it is respectfully submitted that the claimed invention satisfies the three-pronged test of utility requirement, and thus, the claimed invention is useful and provides a practical application.

Although Applicant respectfully disagrees with the Examiner's contention that the claimed invention does not produce a useful, concrete, and tangible result, claim 1 has been amended, claims 9 and 10 have been cancelled and claims 11 and 12 have been added through this Reply in order to expedite prosecution.

Further, the Examiner alleges that the claimed "process" must(1) be tied to another statutory category (such as a particular apparatus), or (2) transform underlying subject matter (such as an article or material) to a different state or thing.

Although Applicants do not necessarily agree with the Examiner that claim 9 is improper method claim, this claim has been canceled and new method claim 11 has been added through this Reply to positively recite a "data processing apparatus" and a "controller" in order to expedite prosecution. Thus, at least in view of this amendment it is respectfully submitted that the claimed "process" ties to another statutory category (such as a particular apparatus). Accordingly, it is respectfully requested to withdraw this rejection.

Accordingly, it is respectfully requested to withdraw this rejection.

**CONCLUSION**

In view of the above amendment, Applicant believes the pending application is in condition for allowance.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Ali M. Imam Reg. No. 58,755 at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.17; particularly, extension of time fees.

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Respectfully submitted,

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